IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 195 OF 2006
IN
WRIT PETITION NO. 118 OF 1994

Roshanlal S. Jain ... Petitioner

Vs.

Maharashtra Housing & Area
Development Authority & Ors. ... Respondents

And

Mr. Raghu Danappa Hegde ... Applicant

Mr. A.R. Pande for Petitioner.

Mrs. S.A. Dhamale for Applicant.

CORAM: F.I. REBELLO &
MRS.V.K.TAHILRAMANI,JJ.
DATE : 23RD JUNE, 2006

P.C.:

. It is the case of the Applicant that they had construction on the site and that was illegally demolished. It is further pointed out that they were also not parties to the petition. But subsequently they have been joined as Respondents. The relief sought for is permission for reconstruction in terms of dimensions as set out in Prayer Clause (a).

. The case of the Petitioner is that there was no such structure on the site.

. The settled law is that any construction can only be done with the permission from the licensing

authority. This court in exercise of its extra ordinary jurisdiction cannot take over the power conferred on the licensing authority. In these circumstances, if the applicant seeks to make any construction that can only be done by applying to the competent authority and after the competent authority grants permission considering the law in force at the time. With the above observations, motion disposed of.

(MRS.V.K.TAHILRAMANI,J.) **(F.I.REBELLO, J.)**